

Peter Best

From: KisaRiley . <kisariley@gmail.com>
Sent: Monday, March 16, 2020 3:44 PM
To: PCD
Cc: Peter Best; David Greetham
Subject: Comments on Wysong-Ziemba SSDP & SVAR (Project PLN50280C SSDP & SVAR)
Attachments: RSpaulding comments - Wysong-Ziemba Dock (16Mar20).pdf; Spaulding Comments on Little Manzanita Bay Dock (31Aug16).pdf

Mr. Greetham,

Please see my attached comments on the subject project.

I am also attaching my comments from 2016 as they are still relevant and appear to have been ignored by the applicants when preparing the 2019 application for the same project.

Let me know if you have any questions. Please provide confirmation of receipt of my comments.

Thank you,
Rick Spaulding
6765 NE Day Rd W,
Bainbridge Island, WA 98110

16 March 2020

To: David Greetham, Senior Planner, City of Bainbridge Island (COBI)

From: Rick Spaulding, 6765 NE Day Rd., Bainbridge Island

Re: Wysong-Ziemba Dock Application; Project Number: PLN50280C SSDP & SVAR

Dear Mr. Greetham,

I write to oppose the grant of a variance to allow the Wysong-Ziemba applicants to build a 240-ft pier-ramp-float, or any other dock of similar length and construction, on Little Manzanita Bay. I have a Master of Science degree in Wildlife and Fisheries Science and am a Certified Wildlife Biologist (The Wildlife Society [TWS]) with approximately 30 yrs of experience in wildlife management. My experience includes wildlife surveys in 40 states, 2 U.S. Territories, and 4 countries for birds, marine mammals, reptiles, and amphibians; conducting endangered species and migratory bird surveys; preparing 10 integrated natural resource management plans for large military installations; managing and preparing 50 NEPA documents (e.g., Environmental Impact Statements, Environmental Assessments), 40 Biological Assessments/Evaluations in support of Endangered Species Act (ESA) section 7 consultation (for both terrestrial and marine species), 20 documents in support of Marine Mammal Protection Act (MMPA) consultations for the issuance of Incidental Harassment Authorizations or Letters of Authorization, and Migratory Bird Treaty Act (MBTA) survey reports and impact analysis.

I have been an active member of TWS for almost 30 years. TWS is recognized nationally and internationally as the preeminent scientific body addressing wildlife issues. I have been a TWS Certified Wildlife Biologist since 2000. A Certified Wildlife Biologist is “an individual with the educational background and demonstrated expertise in the art and science of applying the principles of ecology to the conservation and management of wildlife and its habitats, and is judged able to represent the profession as an ethical practitioner.”

My wife and I have lived on W Day Road since 2002 and are very familiar with the Little Manzanita Bay project area. We drive by an average of 4-5 times per day and throughout the year often take the short walk from our house to the beach area at the end of Dock Street to watch bald eagles, seabirds, and marvel at the incredible views of the Olympic Mountains to the west. The proximity of the relatively unspoiled Little Manzanita Bay with its abundant wildlife, including a pair of nesting bald eagles, and its natural beauty were some of the reasons we chose to purchase a property on W Day Road.

The following provides detailed comments on the project application materials.

1. Project Narrative

Proposal

Pg 1, para. 1, last sentence: “The proposal represents a significant net gain of shoreline ecological functions and processes over what currently exists.” The information provided in the permit application documents do not provide analysis or supporting information to support this assertion. Further comments on this item are provided below.

Mitigation

Pg. 1, item 1: applicants state they are proposing to remove the current creosote-treated wood pilings. The pilings must be disposed of in an authorized disposal site. What is the disposal plan for these pilings?

Pg. 1, last para., 1st sentence: the listed “97.22% reduction inn the amount of material making contact with the substrate in the nearshore marine areas” is inaccurate and misleading. The math is simply wrong and further comments are provided below.

Pg. 1, last para., 2nd sentence: “creates an additional 642 square foot pocket beach.” This is incorrect. There is currently a 552 ft² pocket beach (see item 3) and the proposal would only add 90 ft² to the existing beach. Removing the quarry spalls behind an existing beach does not create a new beach. You cannot get credit for creating something that is already there. Just because the area in question has a rock retaining wall behind the beach, does not mean that the beach does not currently exist.

Pg. 1, last para., last sentence: “Together, this represents a significant benefit to the shoreline environment and a significant increase in the size of the benthic zone,...” This is incorrect. Removing the current retaining wall (“quarry spalls”), which is not inundated at high water, does not increase the area of benthic zone because that area is not within the benthic zone.

Benefits

Environmental

Pg 1, 3rd bullet: “The joint-use covenant required under Section 6.3.7.4.2 of the SMP guarantees adequate maintenance of the structure and the associated uplands in perpetuity.” Nowhere in the *Draft Agreement Regarding Covenants, Conditions, Restrictions, and Easements for the Use, Maintenance and Preservation of Dock* (i.e., joint-use covenant) is there any mention of the maintenance of the dock or uplands in perpetuity.

Pg 2, 2nd bullet: “The only contact with the substrate will be reduced...to approximately 13.8 square feet of steel pilings...” This is incorrect and math is wrong. As stated in the applicants’ materials, 24, 10-inch (or 0.83-ft) steel pilings would be used. This equates to the following: $\pi(0.83/2)^2 \times 24 = 12.98 \text{ ft}^2$. While I realize this is not a significant difference, I bring it up to illustrate that lack of attention to detail that the applicants’ and their consultant used in preparing the application. For example, on pg 4 of the SEPA Checklist, the area listed for the 24 steel piles is 20 ft². This is an example of the many inconsistencies throughout the application materials.

Pg 2, 3rd bullet: “The existing structure is opaque and prevents light from penetrating to the water and substrate. The proposed structure will include the maximum amount of light grating possible, consistent with Section 6.3.3.3(c) of the SMP.” As stated in Project Narrative (pg 1, Mitigation Item 1), the current dock shades 496 ft². Using the numbers from the Abbreviated Biological Evaluation (ABE) (Pgs 5-6, Items 1a, 2b, and 4a), the proposed dock would have an area as follows:

- Pier: $140 \text{ ft} \times 4 \text{ ft} = 560 \text{ ft}^2$
- Float: $60 \text{ ft} \times 8 \text{ ft} = 480 \text{ ft}^2$
- Ramp: $48 \text{ ft} \times 3 \text{ ft} = 144 \text{ ft}^2$

Therefore, the total coverage = $560 + 480 + 144 = 1,184 \text{ ft}^2$. If one uses the required grate openings per the ABE (Pg 7, Item 7b), which the applicants have agreed to implement, the area shaded by the proposed dock would be:

- Multi-direction grating with 40% open space = $0.6 \times 1,184 \text{ ft}^2 = 710.4 \text{ ft}^2$

or

- Square grating with 60% open space = $0.4 \times 1,184 \text{ ft}^2 = 473.6 \text{ ft}^2$

Therefore, the net gain of non-shaded area associated with the proposed dock is only ~22 ft², if the applicants choose to use the square grating with 60% open space. But this is probably an overestimate as the other associated infrastructure associated with the proposed dock (e.g., 24, 10-inch steel piles, wiring and conduit under the proposed dock, boat lifts) will all add shading to the proposed area of the dock. I see no net benefit based on less shading from the proposed dock, and in fact, it seems more likely that the area that would be shaded will be greater than the existing dock.

Pg 2, 10th bullet: “The pocket beach will provide important isolated habitat for a variety of plants and animals, such as kelp, red algae, mussels, snails, limpets, and sandpipers.” This is ecologically false. Beach

habitat is not utilized by kelp, red algae, mussels, snails and limpets. And I seriously doubt that sandpipers will use the pocket beach given the proximity to the dock and associated activities. In my almost 20 yrs of living on Bainbridge and walking along Manzanita Dr. at least 5 times a week during different times of the day, I have never seen any shorebird use the current beach on the subject property. I am a wildlife biologist and am consciously looking for birds and other wildlife.

Pg 2, 11th bullet: should be sand lance not ‘sand lace’. Again, a minor item, but it points to the lack of attention to detail and review by the applicants and their consultant who prepared the application materials.

Pg 2, 14th bullet: “The dock represents a viable alternative to an additional mooring buoy, which would be opposed by the Suquamish Tribe due to the potential for shellfish damage.” This argument is false and laughable. The installation of 24, 10-inch steel piles for the proposed dock would result in the disturbance of a much greater area than installation of a single mooring buoy. The applicants currently use a mooring buoy in Little Manzanita Bay. Did the Suquamish Tribe previously oppose the installation of that mooring buoy?

Pg 2, 15th bullet: “The project is supported by the Suquamish Tribe.” This is an unsubstantiated claim unless a letter from the Tribe is provided that states their support.

Navigational

Pg 2, 1st bullet: “The proposed dock will be elevated, and will allow small boats (kayaks, canoes, rowboats and small power boats) to pass under it, even at the lowest tides.” This is another laughable statement. You really think that constructing a 240-ft dock across a small shallow bay will not result in a navigational hazard? Will paddleboarders be able to go under the proposed dock at low tides? Why would kayakers, canoes, etc. wish to go under this huge dock? And while it may be conceivable that people can go under the dock, the presence of 24 steel pilings present a significant navigation risk to all water users.

Aesthetic

Pg 3, bullets 1 – 4: It is obvious from the statements in Bullets 1, 2, 3, and 4 that the applicants do not have a good understanding of aesthetics or the concept of a view shed. The existing viewshed **does not** feature “many similarly-designed docks, piers, and floats.” Only one similar type dock is in view and that is to the west on Manzanita Bay and is not intrusive to the views from Manzanita Dr. and the associated waterfront homes. The applicants state the “views will change, but not in a way that is incompatible with or impairs what is already there.” This is another laughable statement. Currently there are only 2 small docks on Little Manzanita Bay. More importantly, what about the viewshed for the waterfront properties to the south of the subject property that look towards Manzanita Dr.? They will see a monstrous 240-ft dock where currently only 2 small docks (including the applicants 83-ft current dock and a 93-ft dock north of the subject dock) are visible. How can you state that the addition of a steel dock, with 24 steel piles, lighting, and boat lifts will not impair what is already there??

Pg 3, 6th bullet: “Most houses in the area face the Olympic Mountains, and the proposed dock does not interfere with any of these views.” Incorrect statement. Many homes are to the south of the subject property and do not have views of the Olympic Mountains. Rather, they have a view of a small undisturbed bay. The views of these homeowners will be significantly impacted with the addition of a 240-ft monstrosity in Little Manzanita Bay.

Pg 3, 8th bullet: “The chance of similar docks being constructed to the South of the project is minimal to nonexistent because of inadequate water depth and land configuration.” This is demonstrably false and misleading. The applicants are proposing a dock because of “inadequate water depth” at their property. So why couldn’t property owners to the south also request a variance and construct a dock of adequate length to reach deeper water? In fact, the granting of a variance to the Wysong-Ziemba property would create a precedent and potentially allow for additional longer docks to be constructed within Little Manzanita Bay.

Pg 3, 9th bullet: “The design of the proposed dock is clean and attractive and the joint use covenant required by Section 6.3.7.4.2 of the SMP will guarantee proper maintenance of both the dock and the associated uplands in perpetuity.” As stated previously, nowhere in the *Draft Agreement Regarding Covenants, Conditions, Restrictions, and Easements for the Use, Maintenance and Preservation of Dock* (i.e., joint-use covenant) is there any mention of the maintenance of the dock or uplands in perpetuity.

Usability

The proponents state that the proposed dock will increase their use of the dock from 63% of the time to ~95% of the time. First, the use will only increase to their benefit, not any other users of Little Manzanita Bay. Second, so those that have homes on or look upon Little Manzanita will have to see a monstrous 240-ft dock just so 2 families can enjoy their motorboats 32% more? This is incredibly selfish, self-centered and does not promote a community-centered ethic.

2. Code Analysis

Shoreline Variance Criteria

Pg 1, Item 4.b.i: Applicants currently have a mooring buoy that allows them to use their boats at all tide levels. Why can’t they continue to use the mooring buoy and use a skiff or dingy to access the buoy at low tides. All the other waterfront homes either use a mooring buoy or understand the need to plan their boating activities according to the tides.

Pg 2, Items G.4.a.iii and G.4.a.iv: Applicants state, “Manzanita Bay is almost completely developed with singlefamily residential uses, most of which have private docks providing access to navigable water during virtually all tide levels. Manzanita Bay is currently zoned Shoreline Residential and designated Shoreline Residential in the Comprehensive Plan. The proposed dock is a joint use dock that is similar in length and design to these docks.” First, one cannot include Little Manzanita Bay with Manzanita Bay. They are completely separate water bodies and are charted as such on NOAA charts. They also comprise different watersheds. Prepared for COBI, the *Bainbridge Island Nearshore Habitat Characterization & Assessment, Management Strategy Prioritization, and Monitoring Recommendations* (Battelle 2004) also recognizes Little Manzanita Bay as a separate bay from “Big” Manzanita Bay.

It is completely false that most of the homes on Little Manzanita Bay have private docks that provide access to navigable water during all tide levels. There are only 2 docks in Little Manzanita Bay – the applicants dock and a 93-ft dock to the north (“Sandy’s dock”). Equating the 30 docks on Manzanita Bay to what is currently on Little Manzanita Bay is grossly misleading. Why not just say the applicants are proposing a dock in Puget Sound? The project area is Little Manzanita Bay **not** Manzanita Bay! The proposed dock “**will** constitute a grant of special privilege not enjoyed by other properties in the area.”

I also disagree with the applicants’ assertion that the proposed 240-ft dock would “minimize, if not completely avoid, negative impacts to the substrate.” They fail to address the prop wash from 2 ≤ 50ft boats going in and out of Little Manzanita Bay. Prop wash and associated scouring or disturbance of the bottom may have significant and cumulative long-term impacts on benthic organisms, including shellfish, submerged aquatic vegetation, and finfish.

Pgs 2-3, Items G.4.a.vi and iii: The public interest will suffer no substantial detrimental effect. The applicants state, “...an elevated pier...will improve nearshort (sic) navigability for kayaks, paddleboards, canoes and other small watercraft over what exists now” and “The project will improve navigation...” How can one make such statements with a straight face? They are stating that the construction of a 240-ft dock in a small bay that currently does not have a dock extending more than 80 ft into the nearshore environment will improve navigation!? Do the applicants know what the term navigability is and how such a large dock will actually increase navigation hazards in Little Manzanita Bay? Lastly, what about aesthetic or viewshed impacts? The applicants fail to assess impacts to the public interest regarding these important community values.

Pg 3, Item c: The applicant's entire argument for this criterion is false. They state, "It is not likely that any other waterfront properties in the area would request variances because most of them already have docks providing access to navigable water." This is patently untrue because the applicants are equating Manzanita Bay with Little Manzanita Bay. They are not the same waterbody and one cannot use the existing docks on Manzanita Bay to support a proposed dock in Little Manzanita Bay. In addition, and as stated previously, the applicants are proposing a dock because of "inadequate water depth" at their property. So why couldn't property owners to the south also request a variance and construct a dock of adequate length to reach deeper water? In fact, the granting of a variance to the Wysong-Ziembra property would create a precedent and potentially allow for additional longer docks to be constructed within Little Manzanita Bay.

3. SEPA Checklist

Pg 2, Item A.8: Where is the Army Corps of Engineers permit and mitigation plan? Where is the supporting information for a Clean Water Act permit or a Rivers and Harbors Act permit? The "mitigation plan" that is currently in the applicants' permit package is grossly inadequate and insufficient to support the proposed project.

Pg 3, Item A.10. Applicants state that ESA section 7 consultation with NOAA and USFWS has been completed. That concurrence letter should be part of the application package. Please provide that concurrence letter ASAP so that the public can review all relevant and applicable materials for the proposed action. The Abbreviated Biological Evaluation provided in the applicants' package is incomplete and inadequate and comments will be provided below.

Pg 3, Item A.11. Please provide copy of agreement with the Suquamish Tribe regarding the removal of the Ziembra mooring buoy.

Pg 3, Item A.12. While the terrestrial location is fine, it should be explicitly stated that the project will occur in the waters and nearshore environment of Little Manzanita Bay.

While this is more of a comment on the organization of the SEPA checklist and applicants' response to the various items, Item B.1.e should be in the Water section not Earth.

Pg 4, Item B.1.e. Text states that steel pilings would cover 20 ft². In the Project Narrative (pg 2, 2nd bullet) the area is stated as 13.8 ft². However, if one does the math, the area covered by the 24, 10-inch steel piles equals 12.98 ft². Another instance of inconsistency and contradiction in an application package. Simply shows attention to detail and due diligence by both the applicants and the consultant preparing the package.

Pg 4, Item B1.g. Text states that existing dock "includes 601 square feet of impervious surface." The Project Narrative states that the existing dock is 496 ft². Which is it? Another example of contradictory information or it is not clearly explained what is being presented with respect to area of the existing dock.

Pg 5, Item 3.a.1. The project is located on the **eastern**, not western, shore of **Little** Manzanita Bay, not Manzanita Bay. Another instance of lack of attention to detail with respect to basic information about the project and its location.

Pg 5, Item 3.a.2. The quarry spalls are not in the water.

Pg 8, Item 5.a. What is the relevance of stating that bald eagles have been observed in Hidden Cove? The project area is not within Hidden Cove. Another instance of sloppy preparation of the application package.

Pg 8, Item 5.b. The bald eagle has not been a federally listed species since 2007! I pointed this out in my comments on the 2016 application and it is obvious that the consultant and applicants ignored or did not read the previous comments. It is highly unlikely that marbled murrelets would be found in Little Manzanita Bay. I am a USFWS-certified marbled murrelet observer and have prepared numerous Biological Assessments to support ESA section 7 consultations, so I am very familiar with the distribution and habitat requirements of marbled murrelets. Little Manzanita Bay is too shallow to support feeding murrelets. The

applicants only state that “several species of juvenile salmon may use the nearshore waters.” There are a number of federally listed salmon species that may occur within the project area and the application needs to call these species out, not simply state that several species of salmon may occur. Three additional instances showing lack of knowledge and experience with the project area and potential occurrence of listed species within the project area.

In addition, the application package should recognize that Little Manzanita Bay is designated critical habitat for Puget Sound chinook salmon, Puget Sound rockfish, and Southern Resident Killer Whale. While the SEPA checklist does ask for a list of threatened and endangered species and does not explicitly ask for critical habitat, it goes without saying that any federally listed species or critical habitat within the project area should be acknowledged. I pointed out the presence of designated critical habitat in my 2016 comments, but again they were obviously ignored or not read by the applicants or the consultant preparing the application package.

Pg 8, Item 5.c. What species of juvenile salmonids use the marine nearshore areas? The statement that the site “could” be used by migratory waterfowl is incorrect. Little Manzanita Bay **is used** by migratory waterfowl. The area is also used by numerous forage fish species such as sand lance, herring, and surf smelt. Manzanita Creek is used by cutthroat trout and chum and coho salmon (Battelle 2004).

Pg 8, Item 5.e. Raccoons are not an invasive species! They are native and not considered invasive by the Washington Department of Fish and Wildlife. There is no such species as a “field rat” on Bainbridge Island. Field rats are only found in SE Asia, Australia and India. Technically, there are 2 species of rats on BI: roof or black rat (*Rattus rattus*) and Norway or brown rat (*Rattus norvegicus*). Continuing examples of a poorly prepared application package (Spaulding, R. 2006. Mammals of Bainbridge Island. Invited Presentation to the 6th Bainbridge Island Environmental Conference, IslandWood. “Wildlife and Their Island Habitat.” September 30, 2006.

Pg 10, Item 7.b.2. Noise. It is very surprising that there is no mention of pile driving, by far the largest contributor to the noise environment for this proposed action. To simply state that noise sources would only be from a tugboat, barge mounted crane, and hand power tools is grossly misleading and inaccurate. The applicants/consultant should provide further information regarding the type of pile driving that would occur (i.e., impact or vibratory), whether proofing of piles is required, how long pile driving would occur, and the estimated received noise levels associated with pile driving for the homes along the shoreline of Little Manzanita Bay. The SEPA checklist specifically requests the “levels of noise” from the project. This is a very significant oversight and again points to a very poorly prepared application without any thought or attention to the important issues associated with the proposed action.

Pg 10, Item 7.b.3. Applicants state that construction would occur during the time of year when salmonids are least likely to be present. Application needs to provide the specific work windows as outlined in the US Army Corps of Engineers and WAC 220-660-330 regarding authorized work windows for projects in marine waters.

Pg 12, Item 10.a. What is tallest height of proposed structures? Applicants state that the pier will be 4 ft higher than the existing bulkhead. Why are they referencing the height of the dock/pier in relation to the bulkhead? What about the height of the proposed boat lifts? Will they be taller than the main dock itself? This section is incomplete.

Pg 12, Item 10.b. The statemen from the applicants that, “The views from adjacent properties will not be altered or obstructed. The end of the structure may be visible from the residential dwellings but will not impact the water views.” This is patently untrue and clearly illustrates that the applicants do not have any understanding as to how their monstrous 240-ft dock will impact their neighbor’s viewshed. It is incredulous that the applicants can state, “end of the structure may be visible from the residential dwellings.” The entire dock will be visible from most residences along Little Manzanita Bay. The proposed

dock **will impact** the water views from all residences on the water and those that look down upon Little Manzanita Bay. The dock will also significantly impact the viewshed for islanders and tourists that drive, bike, or walk along Manzanita Dr. Little Manzanita Bay is one of the last, if not the last, bay around Bainbridge Island that is not cluttered with docks, especially large docks like the proposed 240 ft dock.

Pg 12, Item 11.b. Applicants state that light from the proposed project would not interfere with views. This again is untrue. Currently there are no lights on Little Manzanita Bay and proposed dock will add lighting that will intrude upon the existing environment and viewshed at night.

4. Abbreviated Biological Evaluation

Pg 2, Item 6. Document states that quarry spalls will be removed from a 203 ft x 24 ft area. While obviously a typo, the dimensions should be 23 ft x 24 ft. Another instance of sloppy document preparation; no attention to detail or review of application by applicants or consultant prior to submitting to the COBI.

Pgs 5-6, Items 1a, 2b, and 4a. Document lists a proposed total pier/dock length of 248 ft (140 ft [pier] + 60 ft [float] + 48 ft [ramp]). All other application materials refer to a pier/dock length of 240 ft. What is the true length of the proposed dock?

Pg 9, Item 8. This has to be a mistake as why are the applicants proposing the use of treated wood (ACZA)??? First, the proposal states that the pier will be steel grating along with steel piles. Where is the treated wood being used? In addition, even if you were going to use ACZA, it states explicitly in the ABE that ACZA piles may not be used in forage fish spawning habitat. The project area is in forage fish spawning habitat (Battelle 2004). But I believe this is another example of sloppy preparation of documents by an inexperienced or inattentive preparer.

Pg 9, Item 9. The *Draft Agreement Regarding Covenants, Conditions, Restrictions, and Easements for the Use, Maintenance and Preservation of Dock* states that boats up to 50-ft in length may be moored at the proposed dock. This should be made clear in the ABE in this section. Just listing the 30 ft and 32 ft boats does not provide a reviewer with the full description of the proposed uses of the dock. The ABE should provide all the information for current and proposed potential future uses given it will be assessing impacts based upon potential future use.

Pg 10, Item 12. Forage Fish Habitat. Applicant acknowledges that forage fish habitat is within the project area. However, the ABE specifically states, “you must show the extent of this habitat on a project drawing.” This information is not provided so ABE is incomplete.

Pg 12, Item 17. Mitigation. ABE states, “Applicant must complete the mitigation section of this document and provide either a Mitigation Plan, Bank Use Plan or In-lieu Fee Program Use Plan, as applicable.” The applicants have checked that they will implement but have not provided a Mitigation Plan.

Pgs 12-13, Item 19. Lighting. ABE states, “Artificial lighting of the marine environment should be minimized to the extent possible. If lighting is proposed, it should be included on the project drawings and will be included in the review process.” Project drawings depicting proposed lighting have not been provided with the application.

Pgs 14-17, Compensatory Mitigation. The required information to support mitigation has not been provided. Specifically, “project drawings should include vegetation zones in relation to existing and proposed structures” (pg 15). Table 2, Mitigation Calculations, is grossly incomplete and applicant does not provide supporting documentation. Where did the 47.91 MP value come from on pg 17?

5. Wysong/Ziemba Plan/Elevation View, Mitigation Plan

This 1-pg “plan” is grossly inadequate and does not even show the proposed structure. See the comments on the ABE and the items that need to be included on plan drawings and within a mitigation plan. I assume

the Overland Addition has been deleted from the project. Please prepare all documents for public and agency review with the most current and consistent information across documents.

6. Bathymetric Survey

Per the September 13, 2016 letter from Heather Wright to Leann McDonald re the Wysong/Ziemba Dock Replacement Permit PLN50280 SSDP, "the SMP prohibits overwater structures at locations where critical physical limitations exist, such as shallow sloping tidelands with gradients of 3% or less." Based on the bathymetric information provided in the application materials, while the entire length of the proposed dock by have a gradient of 4.2%, there are significant portion of the tidelands underlying the proposed dock that are <3%. My interpretation of the SMP is that overwater structures are prohibited over tideland gradients of 3% or less, and that would include that portion of the proposed dock that falls within this <3% gradient. You can propose to build a portion of the proposed dock in the area that is >3% but the applicants are prohibited from building in areas <3%.

Summary

In summary, the proposed project and supporting materials are insufficient and incomplete, and do not support the Shoreline Substantial Development Permit and a Shoreline Variance. The number of errors, incomplete documents, sloppy and inaccurate descriptions or calculations shows that the applicants and consultant that prepared the 2019 application materials did not take this project planning process seriously and did not invest the effort and attention to detail that it warrants. Based on the sloppiness of the provided materials, I have no confidence that the applicants will do anything that they propose on paper, and in some instances it is confusing as to what they are really proposing. Documents within the application often contradict each other or present wrong or misleading information. It seems apparent that the applicants and/or the consultant who prepared the 2019 application did not read my previous comments on the 2016 application. This leads me to believe that the applicants really do not care about providing an accurate and complete application to support their proposed action, but rather they feel they can exert the minimum effort necessary and be granted their permit and variance.

This proposed dock is totally unacceptable given its location in Little Manzanita Bay. The argument that this dock will simply be one of many is without merit and is totally misguided with respect to the current conditions of the project area. As stated many times previously, the project is in Little Manzanita Bay not Manzanita Bay. The size and use of the proposed dock are inappropriate and out of context with the existing environment and public use of Little Manzanita Bay. The applicants can currently use their property and operate their boats with their existing mooring buoy, as do all the other residents of Little Manzanita Bay. To allow a 240-ft monstrous dock to be constructed for the recreation of 2 homes (and an increase of only 30% more use) at the significant detriment to all other residents around Little Manzanita Bay should not be allowed or permitted.

I adamantly oppose the project and request that the Shoreline Substantial Development Permit and Shoreline Variance be denied.

Thank you,



Rick Spaulding
6765 NE Day Rd, Bainbridge Island

August 31, 2016

Heather Wright, Senior Planner
Department of Planning & Community Development
City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110

Subject: Comments on Land Use Application – Wysong/Ziemba Dock Replacement PLN50280SSDP

Heather,

I would like to state that the expected issuance of a Determination of Non-significance (DNS) by the City of Bainbridge Island is premature and not supported by a review of the current documents provided in support of the application. I have prepared specific item-by-item, page-by-page comments on some of the application materials and those comments are attached and discussed further below.

I have a Master of Science degree in Wildlife and Fisheries Science and am currently a practicing wildlife biologist with over 30 years of experience in preparing biological assessments, environmental impact statements, and environmental assessments that have addressed potential impacts to wildlife species and habitat from a variety of proposed projects. I have also prepared numerous natural resources management plans, wildlife habitat assessments, and conducted surveys for a variety of terrestrial and marine wildlife species including federally and state-listed threatened and endangered species, federal candidate species, state and U.S. Forest Service sensitive species, and avian species listed under the Migratory Bird Treaty Act. My work has taken place on federal, state, and private lands across 40 states and 5 countries and across a wide range of habitats.

I have been an active member of The Wildlife Society (TWS) for 25 years. TWS is recognized nationally and internationally as the preeminent scientific body addressing wildlife issues. I have been a TWS Certified Wildlife Biologist since 2000. A Certified Wildlife Biologist is “an individual with the educational background and demonstrated expertise in the art and science of applying the principles of ecology to the conservation and management of wildlife and its habitats, and is judged able to represent the profession as an ethical practitioner.”

My wife and I have lived on W Day Road since 2002 and are very familiar with the Manzanita Bay project area. We drive by an average of 4-5 times per day and throughout the year often take the short walk from our house to the beach area at the end of Dock Street to watch bald eagles, seabirds, and marvel at the incredible views of the Olympic Mountains to the west. The proximity of the relatively unspoiled Manzanita Bay with its abundant wildlife, including a pair of nesting bald eagles, and its natural beauty were some of the reasons we chose to purchase a property on W Day Road.

Attached are my comments on the subject land use action regarding the replacement of an existing 83-ft dock with a new joint use 240-ft dock on Manzanita Bay. As stated above, the expected issuance of a DNS by the City is premature and not supported by a review of the current documents provided in support of the application. Copies of the following documents were obtained from the City on August 30, 2016 and are the basis for the attached comments:

- City of Bainbridge Island Environmental (SEPA) Checklist; prepared by Leann McDonald, Shoreline Solutions and dated July 7, 2016.
- Site Specific Impact Analysis and Mitigation Plan, prepared by Christy Christensen, C3 Habitat Corp., Gig Harbor, WA, dated July 5, 2016.

Overall, the above documents are grossly inadequate and do not provide any real site-specific description of the baseline environment or a reasonable analysis of the potential impacts. They are totally insufficient with respect to a description of the current baseline environment and fail to provide even a cursory review of readily available information, either via federal or state websites or by having a reasonably informed biologist that is familiar with the wildlife and habitats of Bainbridge Island provide a summary of what is known or could be expected from the project area. They are almost generic documents that could be repackaged and applied to just about any proposed dock project on Bainbridge Island. To completely ignore or overlook the presence of federally designated Critical Habitat for three federally listed threatened or endangered species, occurrence of Essential Fish Habitat for three species, and the known occurrence of a bald eagle nest site 0.5 mile from the project site is problematic. As a professional wildlife biologist, when I reviewed the two documents listed above, I was completely taken aback at their lack of thoroughness and due diligence. In addition, the noise impacts from pile driving are dismissed or not addressed with any sort of detail or analysis. While the impact analysis and mitigation report attempts to address in-water noise impacts to fish, there is nothing regarding in-air noise impacts to wildlife and people, particularly those along the shoreline of Manzanita Bay, but also those living further away that are very likely to hear the pile driving.

I would like to reiterate that the current application and associated documents do not support a DNS finding by the City of Bainbridge Island. I request that an additional review be conducted, with the preparation of a new and more thorough and complete impact analysis and mitigation plan. This plan and a revised application should then be offered for public review and comment.

While I am not inherently against docks or development in general, the proposed replacement of an 83-ft dock with a dock 3x the size within the confines of a relatively small bay is inappropriate. The sheer size of the dock would not fit the character and nature of the bay, nor its historical and current use. While I understand the desire of the applicants to be able to enjoy their large boats, and there is the issue of low tides in the bay, I have another proposal for the City and the applicants to consider. Remove the current 83-ft dock and replace it with a modern dock of the same length and install the proposed mooring buoy. The applicants could then moor their boat(s) to the buoy and use a dinghy or similar small boat to access the boat from the smaller dock during low tides. It just means a bit of planning and coordination with the tides. This option would only impact the applicants, whereas the 240-ft dock would impact all residents and visitors.

Thank you for your consideration of my comments. If you have any questions or would like further information, please do not hesitate to contact me. I would also like to be informed of any changes or developments with respect to this land use action.

Sincerely,



Rick Spaulding
6765 NE Day Rd.
Bainbridge Island
kisariley@gmail.com

Attachment: Spaulding Comments on Proposed Wysong/Ziembra Dock Replacement PLN50280SSDP

Submitted by:
Rick Spaulding
Certified Wildlife Biologist
6765 NE Day Rd. Bainbridge Island

Comments on the *SEPA Checklist*

(stamped by City of Bainbridge Island – Jul 07 2016, Planning and Community Development)

- 1) Page 3, Item 10 (Government Approvals or Permits): the checklist acknowledges the need to obtain permits from the U.S. Army Corps of Engineers (USACE) in accordance with Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. In addition, the checklist also acknowledges the associated requirement to conduct Endangered Species Act (ESA) section 7 consultations with NOAA Fisheries or the National Marine Fisheries Service (NMFS) given the proposed action has a Federal nexus (i.e., permit from the USACE). However, the checklist then fails to discuss under Item 5b (Animals, Threatened and Endangered Species) all species listed under the ESA, associated critical habitat for those listed species, and Essential Fish Habitat (EFH) that occur within the project area and that require consultation with NMFS. Further details are provided below under Item 5b.
- 2) Page 8, Item 5b (Animals): the list of species known to occur on or near the site is seriously lacking and illustrates a lack of knowledge of the area. How is one to assess the professionalism of an environmental review checklist when they provide a list of general species like “hawk”, “eagle”, and “songbirds?” It appears that either the preparer of this document does not know the wildlife of the area or did not feel it necessary to at least provide an actual common name for the species that occur in the area and thought it sufficient to speak in generalities. The list of species provided could be for a project in every state bordering the Pacific Ocean from Alaska to California. For example, red-tailed hawk and maybe just one or two examples of songbirds: perhaps something as simple as the American robin or spotted towhee, probably the most common species in the area. Yes, “bald eagles have been observed in Hidden Cove.” They are frequently observed in Manzanita Bay given there is a nest site at Arrow Point 0.5 mile to the west of the project site. Why is this not mentioned? Manzanita Bay also hosts numerous wintering seabirds including large numbers of western grebes, common goldeneyes, and buffleheads. It is obvious from the lack of specificity in this checklist that it was prepared at a very superficial level with no knowledge of the area and without any desire to provide a site-specific assessment.
- 3) Page 8, Item 5b (Animals – Threatened and Endangered Species): The only federally listed species mentioned in this section are chinook and marbled murrelet. Note that the bald eagle was removed from the list of federally threatened and endangered species in 2007. The bald eagle is still listed and offered protection under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. However, my main concern is the lack of research and an understanding of the regional baseline environment. With just a basic knowledge of the area and some routine research on the NMFS West Coast Region website (<http://www.westcoast.fisheries.noaa.gov/>) any reasonable biologist would have found that the following federally listed resources occur within the waters of Manzanita Bay:
 - a. Puget Sound Chinook Salmon Critical Habitat
(http://www.westcoast.fisheries.noaa.gov/publications/gis_maps/maps/salmon_steelhead/critical_habitat/chin/chinook_pug.pdf) – map attached.
 - b. Puget Sound Rockfish Critical Habitat
(http://www.westcoast.fisheries.noaa.gov/publications/gis_maps/gis_data/other/rockfish/final8_25_14.pdf) – map attached.

- c. Southern Resident Killer Whale Critical Habitat
(http://www.westcoast.fisheries.noaa.gov/publications/protected_species/marine_mammals/killer_whales/SRKW-CH-Map.jpg) – map attached.
 - d. Coho Salmon EFH – map attached.
 - e. Chinook Salmon EFH – map attached.
 - f. Puget Sound Pink Salmon EFH – map attached
- All EFH maps and information can be found here:
http://www.westcoast.fisheries.noaa.gov/maps_data/essential_fish_habitat.html.

Detailed maps showing the extent of these Critical Habitat and EFH areas within Manzanita Bay project area can be prepared by using the Critical Habitat and EFH mapper located here:
<http://response.restoration.noaa.gov/maps-and-spatial-data/environmental-response-management-application-erma/pacific-northwest-erma.html>.

In addition, all the Federal Register notices describing the details of each Critical Habitat designation can be found here:
http://www.westcoast.fisheries.noaa.gov/habitat/critical_habitat/critical_habitat_on_the_wc.html.

In accordance with ESA section 7, at a minimum, informal consultation with NMFS should be conducted to address potential effects of the proposed project on the designated Critical Habitats listed above. In addition, in accordance with Section 305 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), consultation should be conducted with the NMFS regarding potential adverse effects of the proposed project on the previously listed EFH.

- 4) Page 10, Item 7b (Environmental Health – Noise): This section fails to even mention the fact that pile driving will be part of the construction activities. Not only does impact pile driving potentially disturb wildlife and fish, but what about human receptors/neighbors? How can one prepare a SEPA checklist and fail to mention the greatest noise source associated with the project?
- 5) Page 12, Item 10b (Aesthetics – Alteration of Views): How can one say that installing a 240-ft long dock in a small bay that currently only contains docks that are less than 100 ft long, “will not impact the water views?” Constructing a dock of that size within a currently relatively pristine bay with no such surface features, would be very obvious and would change the entire character and viewshed of the bay, not only for the residents in the nearby properties, but for anyone driving along the bay and enjoying the incredible view of the Olympic Mountains to the west. The proposed dock would be a finger on the bay that would be forever a blight on the views and beauty of the bay.
- 6) Page 13, Item 12b (Recreation – Displacement of Recreational Uses): “No existing recreational uses would be displaced. The proposed project would enhance the opportunities for both residents...” So the current recreational opportunities of residents and visitors to enjoy the view of the bay, wildlife, and western mountains would not be displaced by the addition of a 240-ft long dock placed right in the center of the bay? It’s nice that the dock would “enhance the opportunities for both residents” but the bay is not their backyard or property, it is a communal resource that is enjoyed by many more people than the residents of two houses that moved there recently. Where is the aspect of being a neighbor fit in with the proposal to construct a dock that will benefit only a few and not the community, particularly given the significant aesthetic impacts to the viewshed?

Comments on the Site Specific Impact Analysis and Mitigation Plan
(stamped by City of Bainbridge Island – Jul 07 2016, Planning and Community Development)

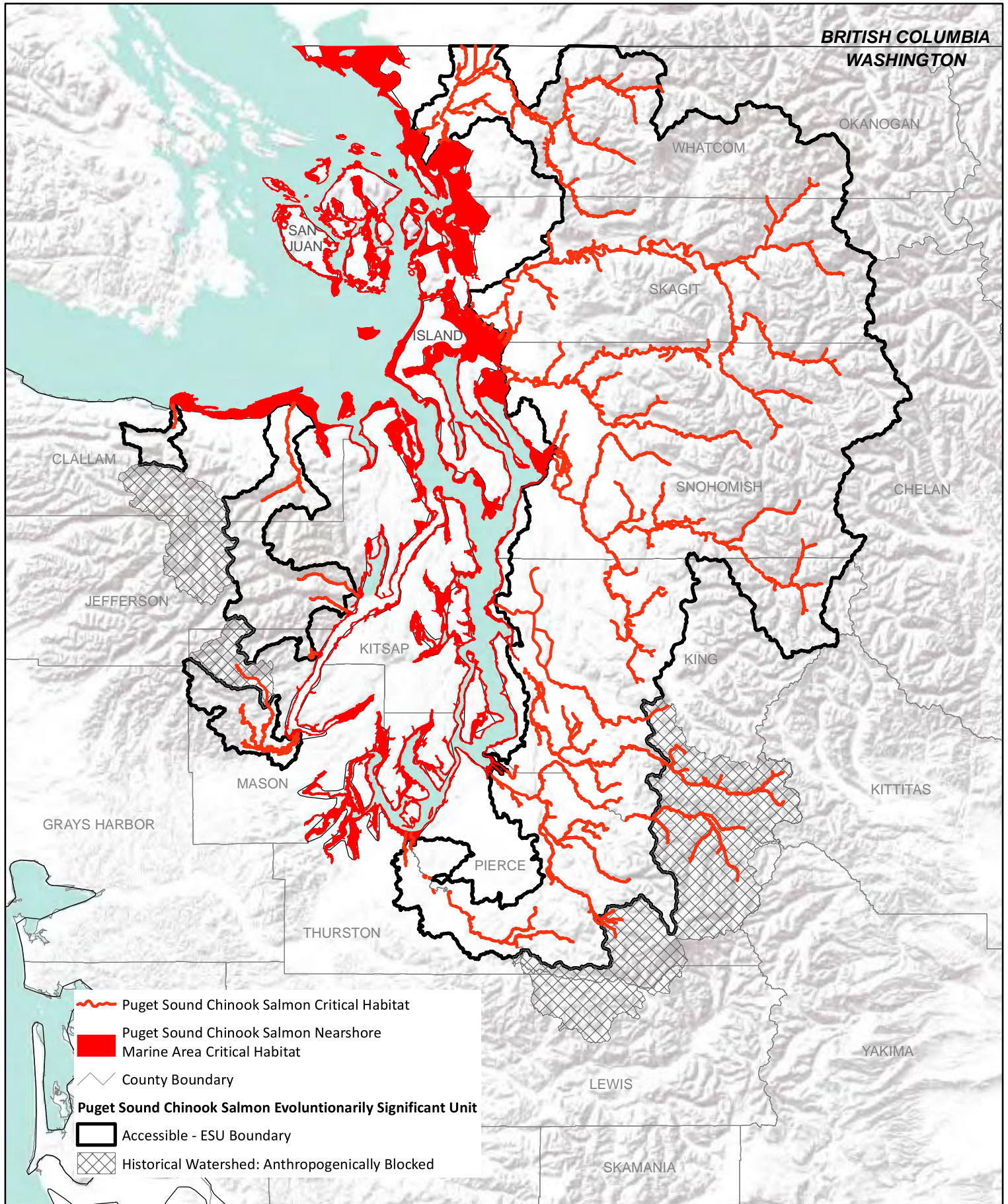
- 1) Page 2, Project Description, When: It states that construction would occur during the “open work window of July 16 to January 15 of any year to prevent impacts to migrating salmonids.” How did the applicant arrive at this work window? Based on the current USACE work windows for Tidal Reference Area 5 (attached), the salmon work window is July 2 – March 2. In addition, the forage species work window for Pacific herring (which the document acknowledges is within the project area) is May 1 – January 14. [Note: it is assumed based on current U.S. Fish and Wildlife Service regional data that bull trout are unlikely to occur within Manzanita Bay.] Given work windows must be combined and the approved work window will be the common days between all approved work windows, the work window when combining the salmon and herring work windows would be July 2 – January 14. During the review of the application file at City Hall, it was written on the application that work is expected to begin in February 2017. That would not be possible as that would occur after the closure of the work window on Jan 14.
- 2) Page 5, Baseline Environmental Conditions (State Listed Species and State Candidate Species): The conclusion statement for this section is: “None of these species were found or inventoried in the action area.” This is patently wrong and absurd, again showing the lack of thorough environmental review and due diligence in determining the baseline environment of the project area. Based on the attached 2013 Priority Habitat and Species (PHS) for Kitsap County (<http://wdfw.wa.gov/conservation/phs/list/>), a number of species are known to occur within the project area:
 - a. Pacific Herring (State Candidate; Federal Species of Concern [SOC]) – also noted in the WDFW PHS map and Forage Fish Spawning map (see page 3, items 4 and 5).
 - b. Chinook Salmon (State Candidate; Federally Threatened) – see comment 3 on the SEPA Checklist.
 - c. Note numerous other State Candidate and federally listed or SOC fish species with the potential to occur. I do not see any indication that a fish survey was conducted within the project area that would provide any support to the statement: “None of these species were found or inventoried in the action area”; only an Eelgrass/Macroalgae Habitat Survey was conducted.
 - d. Common Loon (State Sensitive), Western Grebe (State Candidate), – based on over 14 years of living on Day Road and visiting this bay hundreds of times throughout all seasons, loons and grebes are commonly observed during fall, winter, and spring within Manzanita Bay.
 - e. Bald Eagle (State Sensitive; Federal SOC) – while the SEPA Checklist at least acknowledged the presence of bald eagles in the area, the checklist and this impact analysis and mitigation plan failed to acknowledge the presence of a bald eagle nesting site at Arrow Point, approximately 0.5 mile west of the dock project site. Why wasn’t this noted during the review of the WDFW PHS Report and associated maps? In addition, the location of the nest area is easily determined by using the PHS mapper on the WDFW website: <http://apps.wdfw.wa.gov/phsontheweb/>. Having lived on W Day Road for 14+ years, we are very familiar with the nesting bald eagles of Manzanita Bay and have frequently observed them foraging in Manzanita Bay, in the exact area of the proposed dock footprint.

- 3) Page 7, Impacts of Site Development, Item 3 – Construction Activity: Citing Feist et al. (1992), a 24-yr old document, to address potential in-water noise impacts from pile driving to salmonids is questionable. Science has come a long way in 24 years in terms of understanding underwater noise transmission of pile driving sounds, and the associated potential impacts to salmonids. I would suggest you review the referenced materials from the WA State Dept. of Transportation and the Biological Assessment Guidelines regarding noise impacts and marine construction activities. Another example of either using outdated materials from an older application, or just not being informed of the current state of knowledge with respect to in-water noise and impacts to fish and wildlife.

This section attempts to address noise impacts to salmonids and one wildlife species, the marbled murrelet. Being a USFWS Certified Observer for Implementation of the Marbled Murrelet Marine Monitoring Protocol during pile driving operations in Puget Sound, I can say with confidence that the probability of a marbled murrelet occurring within Manzanita Bay is approaching 0. So it is baffling why only this one wildlife species is addressed here. And it is addressed with regards to its nesting habitat with no mention that it is a diving bird that could potentially be exposed to both in-air and underwater sound from pile driving. Where is the discussion of potential impacts to other wildlife species on or in the vicinity of Manzanita Bay? Most importantly, the occurrence of a known bald eagle nest site 0.5 mile from the project site.

- 4) Page 9, Summary: First paragraph states that the mitigation plan meets the requirements of Bainbridge SMP by “eliminating 1,161 square feet of in and overwater surface...” That is the square footage of the **proposed** project. In addition, I do not understand how you can get credit for the removal of quarry spalls, portion of a bulkhead, and rocks from the beach as “in water and overwater structures.” While those features may be inundated at high tide, the removal of those items should not result in a net benefit of 642 ft². Overall, the project will result in a net increase of 560 ft² of overwater structures.

Second paragraph states that the work window identified by the USACE will help to avoid any sound impacts to migrating salmonids.” What about noise impacts to wildlife, including bald eagles, and the human residents in the vicinity of Manzanita Bay? Absolutely nothing specific has been provided in this “Site Specific Analysis” to address in-water and in-air noise levels, and the potential impacts to fish, wildlife, and people. There is no mention of what the noise levels will be and how many strikes per day during impact pile driving of 24, 10-inch steel piles.



See Federal Register Notice for detailed description of critical habitat (70 FR 52630)

DOC-NOAA Fisheries-West Coast Region

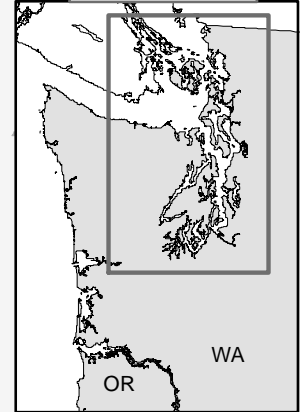
**Final Critical Habitat (CH)
for the Bocaccio, Canary, and Yelloweye Rockfish
Distinct Population Segments**



CANADA

Bellingham

Location Map



Swinomish

Port
Angeles

Jamestown
S'Klallam

Tulalip

Everett

Port
Gamble

Port Madison

Seattle




Skokomish

Squaxin
Island

Puyallup

Muckleshoot

Olympia

-  American Indian Reservation
-  Final Deepwater Critical Habitat
-  Final Nearshore Critical Habitat

This map does not show U.S. Department of Defense (DOD) sites determined to be ineligible for designation nor excluded areas associated with Indian lands and certain additional DOD sites; see the regulatory text for a description of these final excluded areas.

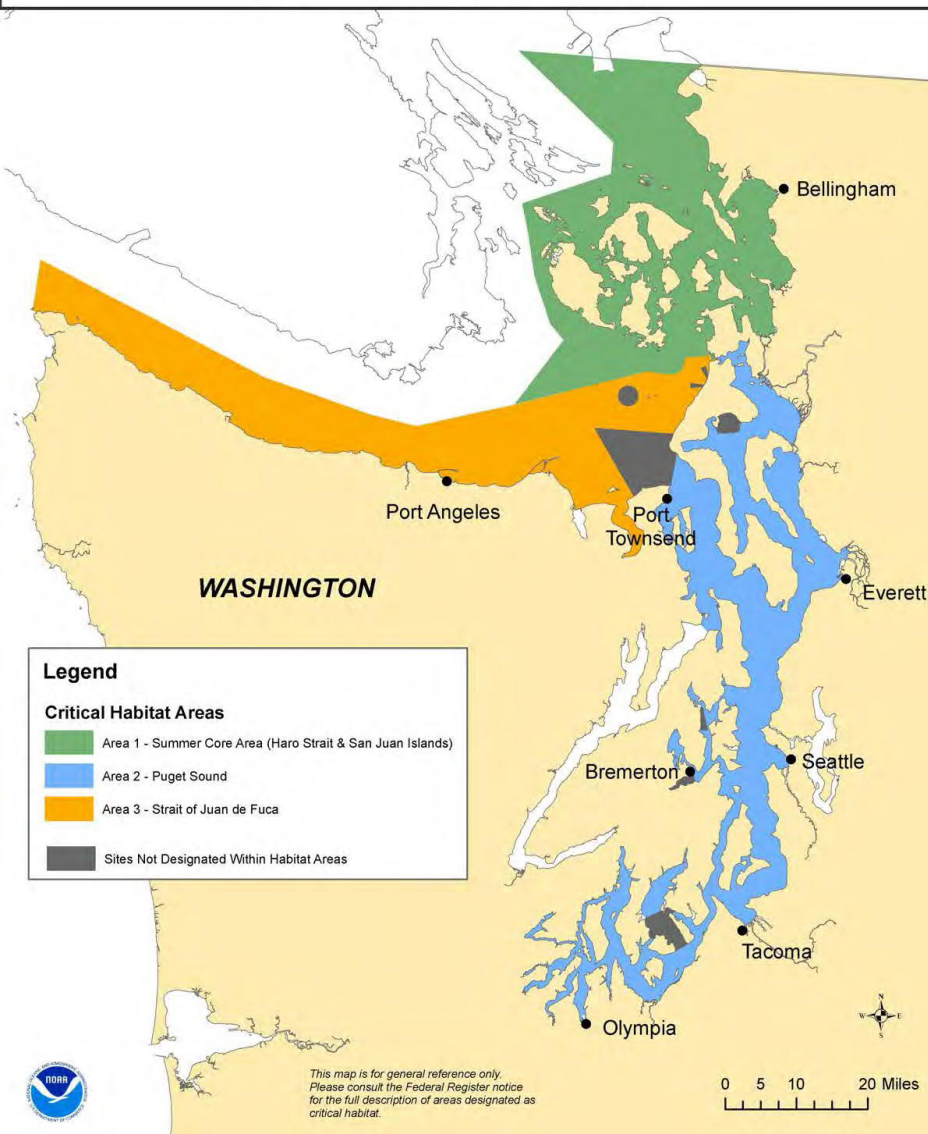


**NOAA
FISHERIES**

0 10 20 40 Kilometers

0 5 10 20 Miles

Designated Critical Habitat for Southern Resident Killer Whales
November 2006
NOAA Fisheries, Northwest Region



**APPENDIX A
TO THE
PACIFIC COAST SALMON
FISHERY MANAGEMENT PLAN**

**As Modified by Amendment 18 to
the Pacific Coast Salmon Plan**

**IDENTIFICATION AND DESCRIPTION OF
ESSENTIAL FISH HABITAT,
ADVERSE IMPACTS,
AND
RECOMMENDED CONSERVATION MEASURES
FOR SALMON**

**Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97221-1384
(503) 820-2280**

<http://www.pcouncil.org>

September 2014

3. ESSENTIAL FISH HABITAT DESCRIPTIONS

The following essential habitat and life-history descriptions were developed for the three species of Pacific salmon managed under the Pacific Coast Salmon FMP: Chinook salmon, coho salmon, and Puget Sound pink salmon.

3.1 GEOGRAPHIC EXTENT OF SALMON EFH

The geographic extent of salmon freshwater EFH is described as all water bodies currently or historically occupied by Council-managed salmon within the USGS 4th field hydrologic units (HU) identified in Table 1. The extent of current salmon freshwater and estuarine distribution was determined using two online databases: Streamnet.org for distribution in Washington, Oregon, and Idaho, and Calfish.org for distribution in California. Because current data do not represent the full historical extent of salmon distribution, the online databases were supplemented with historical data identified by the Council (PFMC 1999) to identify a number of 4th field HUs that were historically, but are not currently, occupied by salmon (Table 2) and are not above the dams listed in Table 1.

Both StreamNet and Calfish are small-scale, regional databases that incorporate data from various sources. They are suitable for portraying the overall distribution of salmon and have some utility for determining presence on the majority of specific stream reaches. Various life stages (migration, spawning and rearing, and rearing only) are delimited in the distribution data as well.

As described in Chapter 1, the formation and modification of stream channels and habitats is a dynamic process. Habitat available and utilized by salmon changes frequently in response to floods, landslides, woody debris inputs, sediment delivery, and other natural events (Sullivan et al. 1987; Naiman et al. 1992; Reeves et al. 1995). To expect the distribution of salmon within a stream, watershed, province, or region to remain static over time is unrealistic. Therefore, current information on salmon distribution is useful for determining which watersheds salmon inhabit, but not necessarily for identifying specific stream reaches and habitats utilized by the species. As such, the Council used an inclusive, watershed-based description of EFH using USGS 4th field HUs. This watershed-based approach is consistent with other Pacific salmon habitat conservation and recovery efforts such as those implemented under the ESA.

In the estuarine and marine areas, salmon EFH extends from the nearshore and tidal submerged environments within state territorial waters out to the full extent of the EEZ (370.4 km) offshore of Washington, Oregon, and California north of Point Conception. Foreign waters off Canada, while still salmon habitat, are not included in salmon EFH, because they are outside United States jurisdiction. Pacific Coast salmon EFH also includes the marine areas off Alaska designated as salmon EFH by the NPFMC.

3.2 ESSENTIAL FISH HABITAT DESCRIPTION FOR CHINOOK SALMON (*Oncorhynchus tshawytscha*)

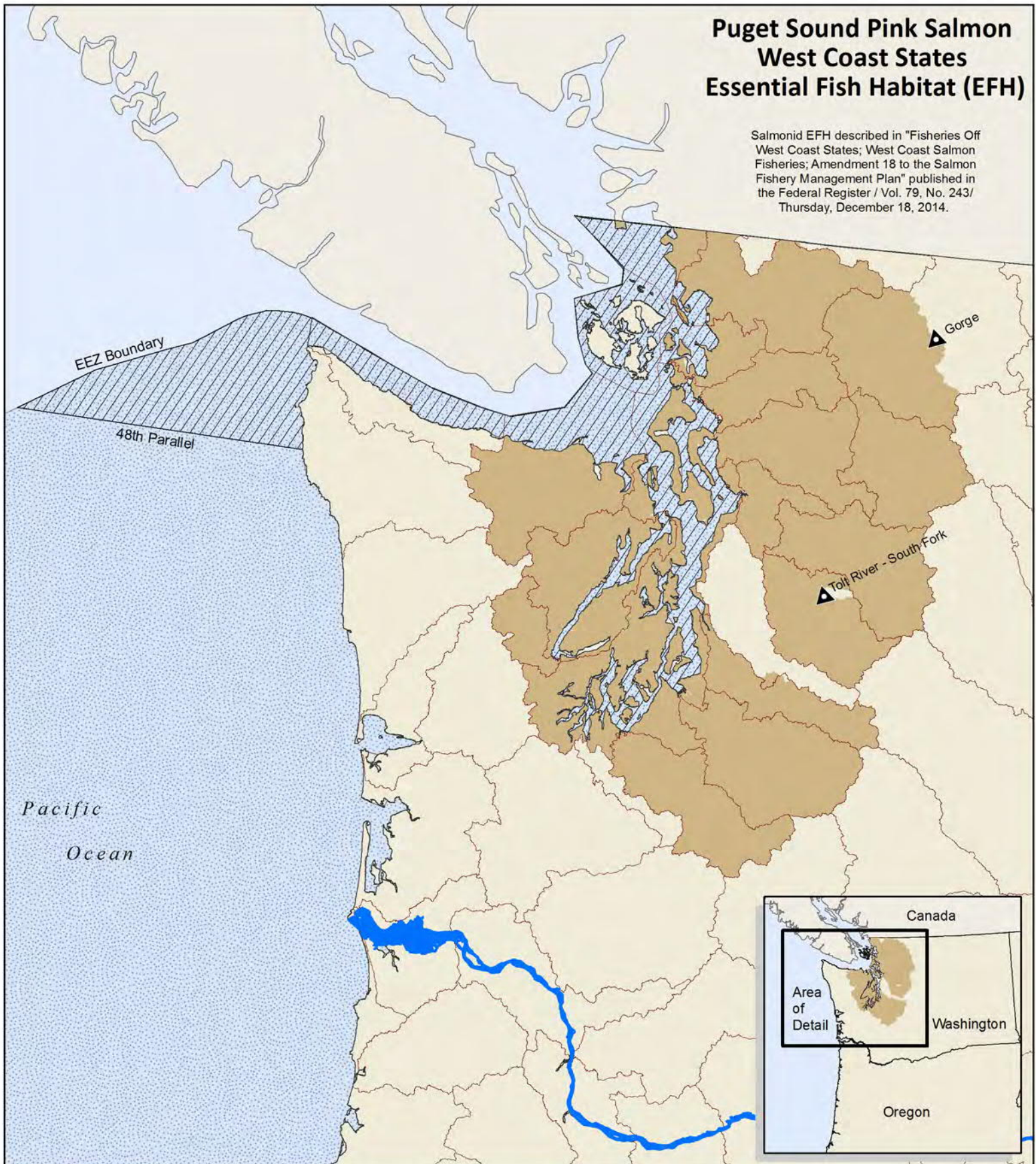
3.2.1 General Distribution and Life History

The following is an overview of Chinook salmon life-history and habitat use as a basis for identifying EFH for Chinook salmon. More comprehensive reviews of Chinook salmon life-history can be found in Allen and Hassler (1986), Nicholas and Hankin (1988), Healey (1991), Myers et al. (1998), and Quinn (2005). This description serves as a general description of Chinook salmon life-history for Washington, Oregon, Idaho, and California and is not specific to any region, stock, or population.

Chinook salmon, also called king, spring, or tyee salmon, is the least abundant and largest of the Pacific salmon (Netboy 1958). They are distinguished from other species of Pacific salmon by their large size, the

Puget Sound Pink Salmon West Coast States Essential Fish Habitat (EFH)

Salmonid EFH described in "Fisheries Off West Coast States; West Coast Salmon Fisheries; Amendment 18 to the Salmon Fishery Management Plan" published in the Federal Register / Vol. 79, No. 243/ Thursday, December 18, 2014.



▲ Impassable Dam
* Natural Barrier

Puget Sound Pink Salmon EFH (2014)

Puget Sound Pink Salmon Marine EFH (2014)

Marine Salmon EFH (2014)
4th Field Hydrologic Unit (HU)



NOAA
FISHERIES

10 0 10 20 30 40 50
Miles

10 0 10 20 30 40 50
Kilometers



12/2014, C. Gavette Pink_EFH_2014.mxd

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
WEST COAST REGION
777 Sonoma Ave., Room 325
SANTA ROSA, CALIFORNIA 95404

Chinook Salmon West Coast States Essential Fish Habitat (EFH)

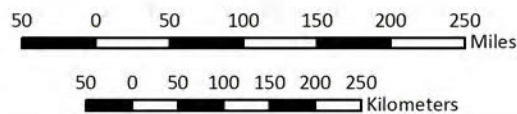
Salmonid EFH described in "Fisheries Off West Coast States; West Coast Salmon Fisheries; Amendment 18 to the Salmon Fishery Management Plan" published in the Federal Register / Vol. 79, No. 243/ Thursday, December 18, 2014.



- | | | | |
|-------------------|---------------------------|--------------------------|--------------------------------|
| ▲ Impassable Dam | Chinook Salmon EFH (2014) | Marine Salmon EFH (2014) | 4th Field Hydrologic Unit (HU) |
| * Natural Barrier | | | |



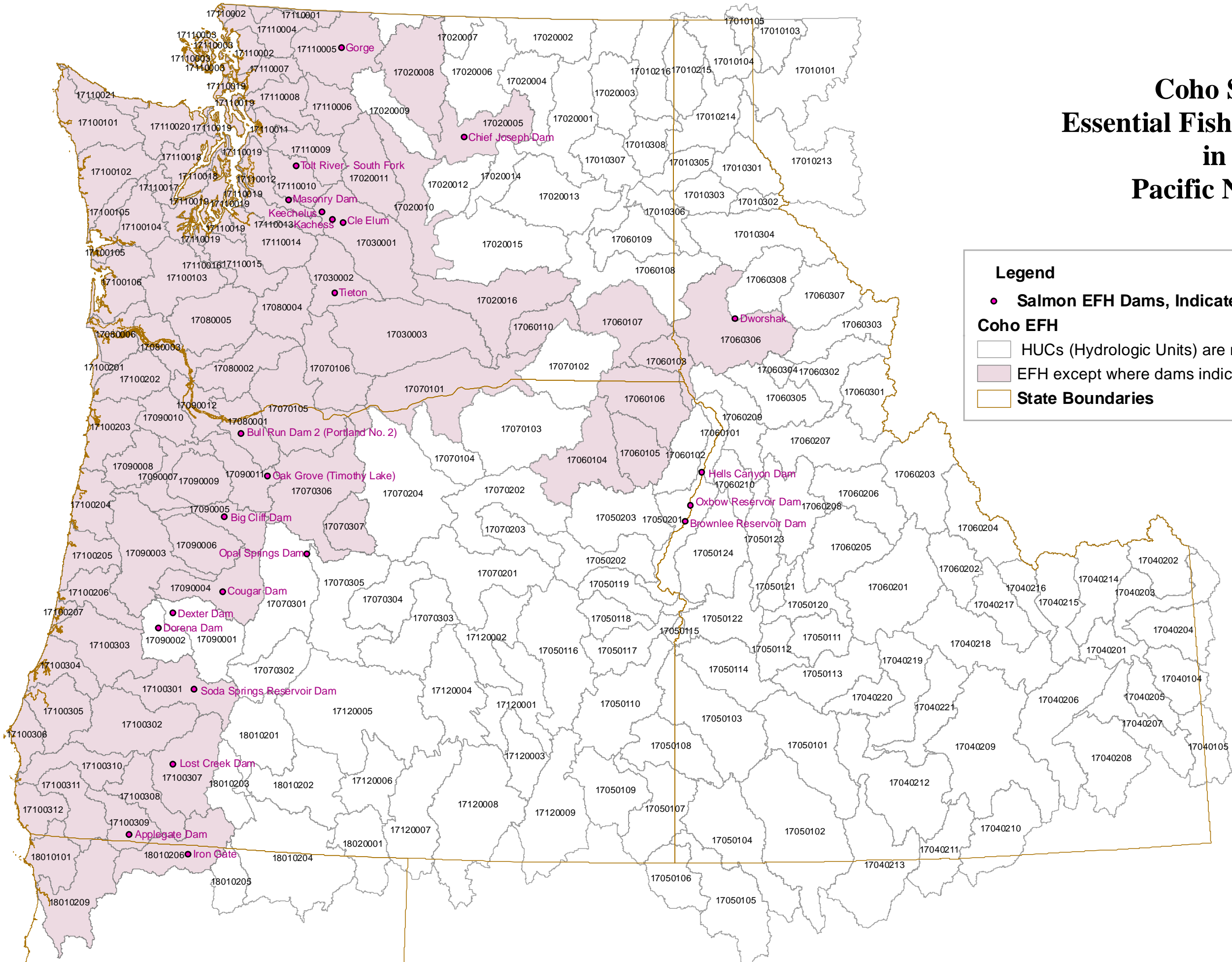
NOAA
FISHERIES



12/2014, C. Gavette Chinook_EFH_2014.mxd

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
WEST COAST REGION
777 Sonoma Ave., Room 325
SANTA ROSA, CALIFORNIA 95404

Coho Salmon Essential Fish Habitat (EFH) in the Pacific Northwest



Legend

- Salmon EFH Dams, Indicate Upstream Extent of EFH HUCs

Coho EFH

- HUCs (Hydrologic Units) are not EFH
- EFH except where dams indicate upstream extent
- ▬ State Boundaries

The final rule of "Fisheries Off West Coast States; West Coast Salmon Fisheries; Amendment 14; Essential Fish Habitat Descriptions for Pacific Salmon" was published in the Federal Register, Vol. 73, No. 200, Wednesday, October 15, 2008. It codifies the EFH identifications and descriptions for freshwater and marine habitats of Pacific salmon managed under the Salmon Fishery Management Plan (FMP), including Chinook, coho, and pink salmon.

APPROVED WORK WINDOWS FOR FISH PROTECTION FOR

ALL MARINE/ESTUARINE AREAS

excluding **THE MOUTH OF THE COLUMBIA RIVER (BAKER BAY)**

BY TIDAL REFERENCE AREA

14 August 2012

- (1) The general work window is given by Tidal Reference Area. Figure 2 is a map of the tidal reference areas.
- (2) For marine/estuarine areas in the mouth of the Columbia River (Baker Bay) refer to Columbia River watercourse approved work windows in Table 2.
- (3) The work windows are given by tidal reference area and species.
 - a. Bull trout: For Coastal/Puget Sound bull trout, refer to bull trout work window.
 - b. Salmon: For Puget Sound chinook salmon, Hood Canal chum salmon, or Ozette Lake chinook salmon, refer to the “salmon” restriction for the appropriate Tidal Reference Area.
 - c. Forage species: If forage fish are present in the project area, then the work window is for that species applies.
- (4) It is likely that several work windows may apply for a specific project. The work windows must be combined. The approved work window will be the common days between all approved work windows. For example, if the project is in Hammersley Inlet in Tidal Reference Area 1 and Pacific Sand Lance are present, the work windows would be:

Salmon Work Window	July 2 – March 2
Bull Trout Work Window	July 16 – February 15
Pacific Sand Lance	March 2 – October 14
- (5) For forage fish work windows that state "closed year round". Work may occur if the restriction is released for a short period of time (typically two weeks) after the Washington State Department of Fish and Wildlife (WDFW) Habitat Biologist has confirmed that not forage fish are spawning on the beach.
- (6) To determine whether your project lies within areas for work windows for “forage species,” contact the Corps.
- (7) Work within two hundred feet landward of the State’s ordinary high water line in waters of the U.S. listed as “submit application” or “closed” is not authorized by the Washington State

Department of Fish and Wildlife (WDFW). Site review and a specific written authorization (and State HPA) are required for these waters.

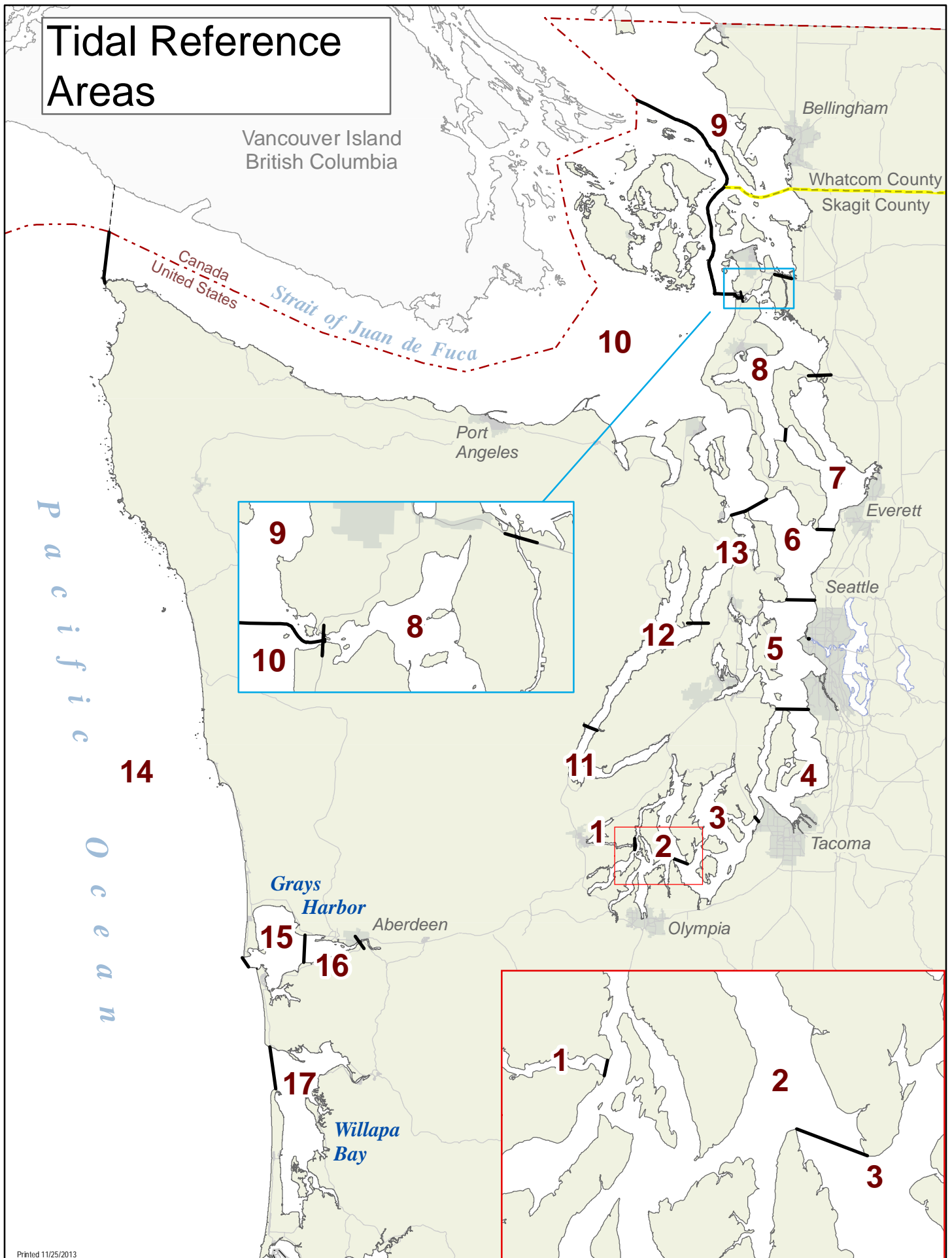
- (8) These “approved work windows” are based on best available information as of the date of the Services’ concurrence with this informal consultation. They may be amended or deleted in the future as new information is obtained. The Corps will use the most current version of these windows when the authorizing projects for which conformance with the ESA is in part based on the windows in this programmatic consultation.

TABLE D-3: APPROVED WORK WINDOWS FOR ALL MARINE/ESTUARINE AREAS

Excluding THE MOUTH OF THE COLUMBIA RIVER (BAKER BAY)

TIDAL REFERENCE AREA	SALMON WORK WINDOW	BULL TROUT WORK WINDOW	FORAGE SPECIES WORK WINDOWS
Tidal Reference Area 1 (Shelton): All saltwater areas in Oakland Bay and Hammersley inlet westerly of a line projected from Hungerford Point to Arcadia	July 2 – March 2	July 16 – February 15	Surf Smelt Pacific Herring Pacific Sand Lance ----- April 1 – January 14 March 2 – October 14
Tidal Reference Area 2 (Olympia): All saltwater areas between a line projected from Hungerford Point to Arcadia and a line projected from Johnson Point to Devil's Head. This includes Totten, Eld, Budd, Case and Henderson Inlets, and Pickering Passage.	July 2 – March 2	July 16 – February 15	Surf Smelt Pacific Herring Pacific Sand Lance April 1 – June 30 April 1 – January 14 March 2 – October 14
Tidal Reference Area 3 (South Puget Sound): All saltwater areas easterly and northerly of a line projected from Johnson Point to Devil's Head and southerly of the Tacoma Narrows Bridge.	July 2 – March 2	July 16 – February 15	Surf Smelt Pacific Herring Pacific Sand Lance May 1 – September 30 April 1 – January 14 March 2 – October 14
Tidal Reference Area 4 (Tacoma): All saltwater areas northerly of the Tacoma Narrows Bridge and southerly of a line projected true west and true east across Puget Sound from the northern tip of Vashon Island.	July 2 – March 2 Commencement Bay only: Aug. 16 – March 15	July 16 – February 15	Surf Smelt Pacific Herring Pacific Sand Lance April 15 – September 30 April 15 – January 14 March 2 – October 14
Tidal Reference Area 5 (Seattle): All saltwater areas northerly of a line projected true west and true east across Puget Sound from the northern tip of Vashon Island and southerly of a line projected true east from Point Jefferson at 47° 45' N. latitude across Puget Sound. This area includes Port Orchard, Port Madison, and Dyes and Sinclair Inlets.	July 2 – March 2	July 16 – February 15* *Duwamish Waterway - Oct 1- Feb 15	Surf Smelt - Eagle Harbor - Sinclair Inlet Pacific Herring Pacific Sand Lance April 1 – August 31 Year round Year round May 1 – January 14 March 2 – October 14

Tidal Reference Areas



Priority Habitats and Species List



Washington Department of
FISH AND WILDLIFE

Species/ Habitats		State Status	Federal Status	** Important Note **
Habitats	Biodiversity Areas & Corridors			<p>These are the species and habitats identified for Kitsap County. This list of species and habitats was developed using the distributor maps found in the Priority Habitat and Species (PHS) List (see http://wdfw.wa.gov/conservation/phs/). Species distribution maps depict counties where each priority species is known to occur as well as other counties where habitat primarily associated with the species exists. Two assumptions were made when developing distribution maps for each species:</p> <p>1) There is a high likelihood a species is present in a county, even if it has not been directly observed, if the habitat with which it is primarily associated exists.</p> <p>2) Over time, species can naturally change their distribution and move to new counties where usable habitat exists.</p> <p>Distribution maps in the PHS List were developed using the best information available. As new information becomes available, know distribution for some species may expand or contract. WDFW will periodically review and update the the distribution maps in PHS list.</p>
	Herbaceous Balds			
	Old-Growth/Mature Forest			
	Oregon White Oak Woodlands			
	Riparian			
	Freshwater Wetlands & Fresh Deepwater			
	Instream			
	Puget Sound Nearshore			
	Caves			
	Cliffs			
	Snags and Logs			
	Talus			
Fishes	Pacific Lamprey		Species of Concern	
	River Lamprey	Candidate	Species of Concern	
	White Sturgeon			
	Pacific Herring	Candidate	Species of Concern	
	Longfin Smelt			
	Surfsmelt			
	Bull Trout/ Dolly Varden	Candidate *	Threatened *	
	Chinook Salmon	Candidate	Threatened (Upper Columbia Spring run is Endangered)	
	Chum Salmon	Candidate	Threatened	
	Coastal Res./ Searun Cutthroat		Species of Concern	
	Coho		Threatened – Lower Columbia Species of Concern – Puget Sound	
	Pink Salmon			
	Rainbow Trout/ Steelhead/ Inland Redband Trout	Candidate **	Threatened **	
	Pacific Cod	Candidate	Species of Concern	
	Pacific Hake	Candidate	Species of Concern	
	Walleye Pollock	Candidate	Species of Concern	
	Black Rockfish	Candidate		
	Bocaccio Rockfish	Candidate	Endangered	
	Brown Rockfish	Candidate	Species of Concern	
	Copper Rockfish	Candidate	Species of Concern	
	Greenstriped Rockfish	Candidate		
	Quillback Rockfish	Candidate	Species of Concern	
	Redstripe Rockfish	Candidate		
	Tiger Rockfish	Candidate		
	Yellowtail Rockfish	Candidate		
	Lingcod			
	Pacific Sand Lance			
	English Sole			
	Rock Sole			

WDFW 2013 PHS List for Kitsap County:
<http://wdfw.wa.gov/conservation/phs/list/>.

Amphibians	Western Toad	Candidate	Species of Concern
Reptiles	Pacific Pond Turtle (also known as Western Pond Turtle)	Endangered	Species of Concern
Birds	Common Loon	Sensitive	
	Common Murre	Candidate	
	Marbled Murrelet	Threatened	Threatened
	Tufted Puffin	Candidate	Species of Concern
	Western grebe	Candidate	
	W WA nonbreeding concentrations of: Loons, Grebes, Cormorants, Fulmar, Shearwaters, Storm-petrels, Alcids		
	W WA breeding concentrations of: Cormorants, Storm-petrels, Terns, Alcids		
	Great Blue Heron		
	Brant		
	Cavity-nesting ducks: Wood Duck, Barrow's Goldeneye, Common Goldeneye, Bufflehead, Hooded Merganser		
	Western Washington nonbreeding concentrations of: Barrow's Goldeneye, Common Goldeneye, Bufflehead		
	Harlequin Duck		
	Trumpeter Swan		
	Waterfowl Concentrations		
	Bald Eagle	Sensitive	Species of Concern
	Peregrine Falcon	Sensitive	Species of Concern
	Mountain Quail		
	Sooty Grouse		
	W WA nonbreeding concentrations of: Charadriidae, Scolopacidae, Phalaropodidae		
	Band-tailed Pigeon		
	Yellow-billed Cuckoo	Candidate	Candidate
	Vaux's Swift	Candidate	
	Pileated Woodpecker	Candidate	
	Purple Martin	Candidate	
Mammals	Dall's Porpoise		
	Humpback Whale	Endangered	Endangered
	Gray Whale	Sensitive	
	Sperm Whale	Endangered	Endangered
	Harbor Seal		
	Orca (Killer Whale)	Endangered	Endangered
	Pacific Harbor Porpoise	Candidate	
	California Sea Lion		
	Steller (Northern) Sea Lion	Threatened	Threatened
	Roosting Concentrations of: Big-brown Bat, Myotis bats, Pallid Bat		
	Townsend's Big-eared Bat	Candidate	Species of Concern
	Keen's Long-eared Bat (formerly Keen's Myotis)	Candidate	
	Columbian Black-tailed Deer		
Invertebrates	Pinto (Northern) Abalone	Candidate	Species of Concern
	Geoduck		
	Butter Clam		
	Native Littleneck Clam		
	Manila Clam		
	Olympia Oyster	Candidate	
	Pacific Oyster		
	Dungeness Crab		
	Pandalid shrimp (Pandalidae)		
	Puget Blue	Candidate	

* Bull Trout only
** Steelhead only